

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA**

**JESSE LAPRADE and ENERGY SAVING CONCEPT ORGANIZATION, L.L.C.,**

**Judgment Debtors,** )

**V.**

**Case No. 06-MC-3344**

**ENERGY AUTOMATION** )  
**SYSTEMS, INC. and** )  
**JOSEPH C. MERLO,** )

**Judgment Creditors.** )

## WRIT OF GARNISHMENT

To the United States Marshal for the Middle District of Alabama:

You are hereby commanded to serve Process of Garnishment on the Garnishee, Auburn University, at the address listed below, a copy on the Judgment Debtor, Jesse C. LaPrade, at the address listed below, and make proper return to this Court, in order to take from the property of the Judgment Debtor, Jesse C. LaPrade, the sum of \$8,615.26 to satisfy a judgment obtained by the Judgment Creditors, Energy Automation Systems, Inc. and Joseph C. Merlo, in the United States District Court for the Middle District of Tennessee, and also the costs that may accrue under this writ. Said service shall also include the NOTICE TO GARNISHEE and the NOTICE TO JUDGMENT DEBTOR.

You are further commanded to pay such monies, when collected, into this Court and you shall make return as to how you have executed this writ within the time allowed by law.

*Debra P. Hackett*

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CLERK,  
UNITED STATES DISTRICT COURT,  
MIDDLE DISTRICT OF ALABAMA

Date Issued: 12-19-06

*Shirley Kent*  
Deputy Clerk

**SERVICE OF PROCESS**

A copy of this Writ of Garnishment, the Notice to Garnishee, and the Notice to Judgment Debtor, were served on:

Auburn University, ATTN: Human Resources, Langdon Hall, Auburn University, AL 36849-5126, on the \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

Served by: \_\_\_\_\_

Title: \_\_\_\_\_

Jesse Laprade, 150 Benwood Circle, Auburn, AL 36832, on the \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

Served by: \_\_\_\_\_

Title: \_\_\_\_\_

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**Case No. 06-MC-3344**

**ENERGY AUTOMATION  
SYSTEMS, INC. and  
JOSEPH C. MERLO,**

### Judgment Creditors.

## NOTICE TO GARNISHEE

TO: Auburn University

You are the Garnishee in the above action.

You must complete and file an Answer within thirty (30) days from service of process. If you fail to file an Answer, the Judgment Creditor can proceed for judgment against you for the amount of the claim, plus costs. Mailing a Notarized Answer to the Clerk of the Court at the Address below constitutes making a proper appearance in the Court. You must answer:

(1) whether you are or were indebted to the Judgment Debtor, Jesse C. Laprade, at the time you received this process, or when you make your Answer, or during the intervening time; or

(2) whether you will be indebted to the Judgment Debtor in the future by existing contract; or

(3) whether by existing contract you are liable to the Judgment Debtor for the delivery of personal property or for the payment of money; or

(4) whether you have in your possession or control, money or effects belonging to the Judgment Debtor.

You are commanded to retain the amount indicated on the Writ of Execution wages salary or other compensation due or which will become due to the Judgment Debtor for such period of time as is necessary to accumulate the sum of \$8,615.26. You are required, after a period of 30 days from the first retention of any sum from the Judgment Debtor's wages, salary or other compensation, to begin paying the moneys withheld into the Court, as they are deducted or withheld and continue to do so on a monthly or more frequent basis until the full amount is withheld. If employment of the Judgment Debtor is terminated BEFORE the sum is accumulated, you are required by law to report the termination and pay into the Court within 15 days AFTER termination, all sums withheld in compliance with this garnishment. If you have in your possession or control property or money belonging to the Judgment Debtor, which is NOT wages, salary or other compensation, you are further commanded to hold the property or money subject to order of this Court.

The formula outlined below applies if the property sought to be garnished is wages, salary or other compensation of the Judgment Debtor:

- (1) Calculate “disposable earnings”<sup>1</sup> for the week.
- (2) Multiply the “disposable earnings” amount by twenty-five (25) percent.
- (3) Multiply the applicable minimum wage amount by thirty (30) and subtract this amount from “disposable earnings.”
- (4) Compare the two numbers reached by completing steps (2) and (3); the lesser amount is the amount of withholding.
- (5) Withhold the amount of withholding and pay it to the Court, as described above and in the Writ of Garnishment.

Protection Against Discharge: Title 15, § 1674, U.S.C., prohibits an employer from discharging any employee because his or her earnings have been subjected to garnishment for any one indebtedness.

Debra P. Hackett  
CLERK, UNITED STATES  
DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
P.O. Box 711  
Montgomery, AL 36101-0711

Date Issued: 12-19-06

*Debra P. Hackett*  
Deputy Clerk

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<sup>1</sup> “Disposable earnings” means that part of earnings of an individual remaining after deduction of amounts required by law to be withheld such as Federal Income Tax, Federal Social Security Tax, and State and Local Taxes.

**UNITED STATES DISTRICT COURT  
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**ENERGY AUTOMATION  
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JOSEPH C. MERLO,**

**Judgment Creditors.**

**Case No. 06-MC-3344**

**NOTICE TO JUDGMENT DEBTOR**

TO: Jesse C. Laprade

A process of garnishment has been delivered to you. This means that a Court may order your wages, money in a bank, sums owed to you, or other property belonging to you, to be paid into Court to satisfy a judgment against you.

Laws of the State of Alabama and the United States provide that in some circumstances certain money and property may not be taken to pay certain types of court judgments, because certain money or property may be “exempt” from garnishment. For example, under state law, in some circumstances, up to \$3,000.00 in wages, personal property, including money, bank accounts, automobiles, appliances, etc., may be exempt from process of garnishment. Similarly, under federal law, certain benefits and certain welfare payments may be exempt from garnishment. Benefits and payments ordinarily exempt from garnishment include, for example, social security payments, SSI payments,

veteran's benefits, AFDC (welfare) payments, unemployment compensation payments and workmen's compensation payments.

THESE EXAMPLES ARE FOR PURPOSE OF ILLUSTRATION ONLY. WHETHER YOU WILL BE ENTITLED TO CLAIM ANY EXEMPTION FROM THE PROCEEDS OF GARNISHMENT, AND, IF SO, WHAT PROPERTY MAY BE EXEMPT, WILL BE DETERMINED BY THE FACTS IN YOUR PARTICULAR CASE. IF YOU ARE UNCERTAIN AS TO YOUR POSSIBLE EXEMPTION RIGHTS, YOU SHOULD CONSULT A LAWYER FOR ADVICE.

TO CLAIM ANY EXEMPTION THAT MAY BE AVAILABLE TO YOU, YOU MUST PREPARE A "CLAIM OF EXAMPTION" FORM LISTING ON IT ALL YOUR WAGES AND PERSONAL PROPERTY; HAVE THE CLAIM OF EXEMPTION NOTARIZED, AND FILE IT IN THE CLERK'S OFFICE. ALSO, IT IS YOUR RESPONSIBILITY TO MAIL OR DELIVER A COPY OF THE CLAIM OF EXEMPTION TO THE JUDGMENT CREDITOR WHO AS A JUDGMENT AGAINST YOU. YOU MUST INDICATE ON THE CLAIM OF EXEMPTION THAT YOU FILED IN THE CLERK'S OFFICE WHETHER YOU MAILED OR DELIVERED THE COPY TO THE JUDGMENT CREDITOR AND THE DATE ON WHICH YOU MAILED OR DELIVERED IT. THE CLERK CANNOT GIVE YOU LEGAL ADVICE. IF YOU NEED ASSISTANCE, YOU SHOULD SEE A LAWYER.

If you file a claim of exemption, the Judgment Creditor will have approximately ten (10) days to file a "contest" of your claim of exemption. If a contest is filed, a court hearing will be scheduled and you will be notified of the time and place of the hearing.



If the Judgment Creditor does not file a contest, the property claimed by you as exempt will be released from the garnishment.

If you do not file a claim of exemption, your property may be turned over the Court and paid to the Judgment Creditor on the judgment against you.

TO PROTECT YOUR RIGHTS, IT IS IMPORTANT THAT YOU ACT PROMPTLY. IF YOU HAVE ANY QUESTIONS, YOU SHOULD CONSULT A LAWYER.

*Debra P. Hackett*

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CLERK, UNITED STATES  
DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
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Montgomery, AL 36101-0711

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*[Signature]*  
Deputy Clerk